

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:22-CV-279-KDB-DCK**

**HARISH KRISHNA RAMASWAMY, and)
MAHALAKSHMI VISHNAMPETTAI)
RAGHURAMAN,)**

Plaintiffs,)

v.)

**UR M. JADDOU, Director, U.S. Citizenship)
and Immigration Services)**

Defendant.)

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiffs’ “Motion To Expedite Discovery And Memorandum In Support” (Document No. 4) and “Defendant’s Motion To Stay All Proceedings Pending A Decision On Transfer By The Judicial Panel On Multidistrict Litigation” (Document No. 5). These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motions.

BACKGROUND

Plaintiffs initiated this action with the filing of their “Complaint” (Document No. 1) on June 22, 2022. The crux of the Complaint is that Plaintiffs have been unreasonably delayed in their applications to become lawful permanent residents of the United States. (Document No. 1). The Complaint, *inter alia*, seeks to “compel USCIS to request and acquire a visa number from the State Department for each Plaintiff prior to **September 30, 2022.**” (Document No. 1, pp. 22-23).

On June 23, 2022, the Court provided a link to the “Standing Order Requiring An Initial Settlement Conference In Civil Cases Assigned To The Honorable Kenneth D. Bell” 5:19-MC-005-KDB. To date the parties have not filed a Certificate Of Settlement Conference.

Plaintiffs’ “Motion To Expedite Discovery And Memorandum In Support” (Document No. 4) was filed on July 18, 2022. “Defendant’s Opposition To Plaintiff’s Motion To Expedite Discovery” (Document No. 6) was timely filed on August 1, 2022; however Plaintiffs have failed to file a reply brief, or notice of intent not to reply. See LCvR 7.1(e).

“Defendant’s Motion To Stay All Proceedings Pending A Decision On Transfer By The Judicial Panel On Multidistrict Litigation” (Document No. 5) was filed on July 22, 2022. Plaintiffs failed to file a timely response. See LCvR 7.1(e).

On August 15, 2022, Defendant filed a “Notice Of Decision” (Document No. 7) informing this Court that the Judicial Panel on Multidistrict Litigation (“JPML”) had denied Defendant’s request in its “Order Denying Transfer” (Document No. 7-1).

DISCUSSION

Based on the foregoing, it appears clear that “Defendant’s Motion To Stay All Proceedings...” is now moot since the JPML has denied Defendant’s request to transfer.

Regarding the “Motion To Expedite Discovery...,” the undersigned notes that “parties may engage in consensual discovery at any time”; however, typically “Court-enforceable discovery does not commence until issues have joined and a Scheduling Order has been entered.” LCvR 16.1(f). Moreover, Plaintiffs’ “Motion To Expedite Discovery...” does not indicate consultation between counsel for the parties pursuant to LCvR 7.1(b). The timing of the Complaint, and Plaintiffs’ failures to abide by this Court’s Local Rules, are inconsistent with Plaintiffs’ request for urgent resolution.

Under these circumstances, the undersigned finds the “Motion To Expedite Discovery...” to be premature. Counsel for the parties should promptly confer regarding a Certificate of Settlement Conference, the status of this case, and the purported deadline of September 30, 2022, and whether they can agree on proposed deadlines for a scheduling order.

IT IS, THEREFORE, ORDERED that Plaintiffs’ “Motion To Expedite Discovery And Memorandum In Support” (Document No. 4) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that “Defendant’s Motion To Stay All Proceedings Pending A Decision On Transfer By The Judicial Panel On Multidistrict Litigation” (Document No. 5) is **DENIED AS MOOT**.

SO ORDERED.

Signed: August 17, 2022



David C. Keesler
United States Magistrate Judge

